

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 3866/2007

M/s Jaika Automobiles Private Limited and another Petitioners.

Versus

The Maharashtra State Electricity Distribution Respondents.
Company Limited and others

Shri A.A. Naik, Advocate for the Petitioners.

Shri A.L. Deshpande, Advocate for the Respondent.

CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.

DATED : 28 JANUARY 2021

P.C.:

The Petitioners are Companies registered under the *Companies Act, 1956*. The Petitioner No.1 is the owner of the premises situated at Commercial Road, Civil Lines, Nagpur and Petitioner No.2 is the tenant of the Petitioner No.1.

2. An electricity connection was applied for and granted in respect of the premises. A communication was issued by the Respondent No.3-Deputy Executive Engineer on 30 May 2007 to the Petitioners directing the Petitioners to make arrangement to pay the amount which according to the Respondent-Electricity Distribution Company were

payable for the consumption of electricity. Disconnection of the electricity connection was also threatened. The Petitioners have challenged this action of the Respondents on taking various factual grounds. In this petition on 3 September 2007, following order came to be passed :-

"1. *Heard.*

2. *The learned Advocate for the respondents states that since instructions are still awaited, further time may be granted for reply.*

3. *The learned Advocate for the petitioners state that in the event the time as prayed is to be granted, relief for temporary electricity connection may be granted in view of prejudice to the petitioners.*

4. *The learned Advocate for the respondents has urged that as is seen from the petition, there are arrears of Rs.6.37 lacs and if at all temporary electricity connection is to be ordered, such order may be passed by directing fifty per cent deposit and undertaking for the balance amount.*

5. *In view of this, the petition be listed for admission after four weeks. The parties may exchange affidavit and rejoinder, if any, in the meantime.*

6. *In view of this, we pass the following order :*

(a) *We grant interim relief in terms of prayer clause (B) of the petition, conditional to following order.*

(b) *The petitioners shall deposit with respondent No.2 a sum of Rs. 3,20,000/- forthwith.*

- (c) *Supply be commenced soon after deposit within reasonable time, however as early as possible.*
- (d) *The petitioners shall furnish undertaking within one week in this Court, to deposit/pay balance amount, subject to the decision of this writ petition.*
- (e) *The payment of arrears shall be subject to the further orders that may be passed in the petition.*
- (f) *The compliance of the order shall be done without formal service of order.*
- (g) *Steno copy of this order be supplied to the learned Advocates for the parties as per the rules."*

3. This position has continued for last 14 years whereby the Petitioner's electric connection has been restored and the Petitioners have deposited the amount of Rs. 3,20,000/-. Under the *Electricity Act* and the Standard Operating Procedure issued by the Respondent-Board to the Respondent-Distribution Company, the Disputes Resolution Forum has been provided for. According to us, it is not necessary to keep the petition pending any further for disputing the demand that was raised. The Petitioners can approach the Disputes Resolution Forum and the position that was operating last 14 years by way of ad-interim relief can continue.

4. Accordingly, we dispose of this Writ Petition directing that the Petitioners be approached the Disputes Resolution Forum under the *Electricity Act* and the Standard Operating Procedure within a period of

four weeks. If the Petitioners approach the Forum within a period of four weeks the interim relief dated 3 September 2007 shall continue till disposal of the proceedings so filed.

5. Writ Petition is accordingly disposed of.

[ANIL S. KILOR, J]

[NITIN JAMDAR, J]